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MONTANA LEGISLATIVE HISTORY

Chapter 336 19 91

Bill H _____ S 449 Original bill & history ✓ C

H. Committee on Fish & Game		S. Committee on Fish & Game	
Hearing Date(s) 3-18	___C	Hearing Date(s) 2-21	___C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

2/20	INTRODUCED		
2/20	FIRST READING		
2/20	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/21	HEARING		
2/21	TABLED IN COMMITTEE		

SB 448 INTRODUCED BY TOWE, ET AL.

TRANSFER OLD PRISON TO POWELL COUNTY MUSEUM AND ARTS FOUNDATION

2/20	INTRODUCED		
2/20	FIRST READING		
2/20	REFERRED TO STATE ADMINISTRATION		
2/22	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	48	0
2/26	3RD READING PASSED	47	2
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO STATE ADMINISTRATION		
3/13	HEARING		
3/14	FISCAL NOTE REQUESTED		
3/14	FISCAL NOTE RECEIVED		
3/19	TABLED IN COMMITTEE		

SB 449 INTRODUCED BY GROSFIELD, ET AL.

PROVIDE THAT GAME WARDENS ENFORCE LAWS REGARDING OUTFITTERS AND GUIDES

BY REQUEST OF SENATE FISH & GAME COMMITTEE

2/20	INTRODUCED		
2/20	REFERRED TO FISH & GAME		
2/21	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	48	0
2/26	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO FISH & GAME		
3/18	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	92	0
3/25	3RD READING CONCURRED	95	1
	RETURNED TO SENATE		
3/28	SIGNED BY PRESIDENT		
4/02	SIGNED BY SPEAKER		
4/02	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 336	EFFECTIVE DATE: 4/04/91	

SB 450 INTRODUCED BY HALLIGAN

DIFFERENT INCOME RATES FOR JOINT, HEAD OF HOUSEHOLD, SEPARATE, AND SINGLE

2/20	INTRODUCED
2/20	REFERRED TO TAXATION
2/21	FIRST READING
2/26	FISCAL NOTE RECEIVED
2/27	FISCAL NOTE PRINTED
3/06	FISCAL NOTE REQUESTED
3/18	HEARING
3/22	TABLED IN COMMITTEE

INTRODUCED BY Senate BILL NO. 449

BY REQUEST OF THE SENATE FISH AND GAME COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT WARDENS OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE AUTHORITY TO ENFORCE STATUTES AND RULES RELATING TO THE REGULATION OF OUTFITTERS AND GUIDES IN THE STATE; AMENDING SECTION 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-506, MCA, is amended to read:

"**87-1-506. Enforcement powers of wardens.** A warden may:

(1) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

(2) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket, creel, crate, game bag, or package or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;

(3) search, with a search warrant, any dwelling house or other building;

(4) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;

(5) seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;

(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;

(7) enforce the disorderly conduct and public nuisance laws (45-8-101 and 45-8-111) as they apply to the operation of motorboats on all waters of the state;

(8) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state; and

~~(8)~~(9) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for violation of those laws or rules."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-End-

INTRODUCED BILL
SB 449

CHAIRMAN--BOB WILLIAMS
NORMAL SCHEDULE==> SITE: ROOM 402 DAYS: T,TH,S TIME: 3:00 P.M.
SECRETARY-JULIA LEVENS

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
SB0291	2/07	2/19		DO PASS		2/20
RYE, DAVID			PROHIBIT ATTEMPTING TO TAKE SIMULATED WILDLIFE			
SB0292	2/07	2/21		TABLED ON 02/22		
NATHE, DENNIS			REPEAL STATUTES RESTRICTING POSSESSION OF WILD ANIMALS			
SB0298	2/07	2/19		PASS AS AMENDED		2/20
YELLOWTAIL JR., BILL			CLARIFY RESIDENCY FOR HUNTING, FISHING, & TRAPPING LICENSING			
SB0312	2/08			TABLED ON 02/22		
YELLOWTAIL JR., BILL			REQUIRE 13 GAME WARDENS IN REGION 5			
SB0362	2/13	2/21		PASS AS AMENDED		2/22
GROSFIELD, LORENTS			CREATE PARK RANGERS AND ESTABLISH THEIR POWERS AND DUTIES			
SB0376	2/14	2/21		ADVERSE RPT ADOPT		2/22
WATERMAN, MIGNON			LIMIT LANDOWNER ELK HUNTING PREFERENCE TO ANTLERLESS ELK ONLY			
SB0401	2/15	2/21		PASS AS AMENDED		2/22
PIPINICH, BOB			REQUIRE FWP SEIZE GAME TRANSPORTED BY VEHICLE IN CLOSED AREA			
SB0415	2/18	2/21		DO PASS		2/22
VAUGHN, ELEANOR			STATE PARKS RECREATIONAL VEHICLE FEE FOR RV FACILITIES & SERVICES AT ST PARK			
SB0418	2/18	2/21		ADVERSE RPT ADOPT		2/22
REA, JACK			REQUIRE FISH, WILDLIFE, AND PARKS TO EMPLOY FULL-TIME VETERINARIAN			
SB0439	2/19	2/21		TABLED ON 02/21		
GROSFIELD, LORENTS			ESTABLISH BUFFALO MANAGEMENT PLAN GUIDELINES; REVISE PENALTY & RESTITUTION			
SB0449	2/20	2/21		PASS AS AMENDED		2/22
GROSFIELD, LORENTS			PROVIDE THAT GAME WARDENS ENFORCE LAWS REGARDING OUTFITTERS AND GUIDES			

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 21, 1991, at 3:25 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused:

None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Chairman Williams turned the meeting over to Vice-Chairman Bianchi while he presented a bill to another committee.

HEARING ON SB 415

Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn, Senate Dist. No. 1, explained that SB 415 would establish a state park recreational fee for vehicles. We know that the State Parks do not have the funds to do the necessary maintenance and operation. The RV people need dump stations and larger spots for parking and they are willing to accept an additional fee. This would be an additional $3.50 on

HEARING ON SB 449

Presentation and Opening Statement by Sponsor:

Senator Grosfield presented an amendment to SB 449 with the approval of FWP and the fishing outfitters which satisfies their concerns. See Exhibit No. 18.

Proponents' Testimony:

Larry Fasbender, representing Fishing Outfitters Assn. of Montana (FOAM), said they will still require that the appropriations committee give authority to Dept. of Commerce for the Board of Outfitters to expend funds necessary to fund the cost of the FWP enforcement.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Senator Grosfield urged that SB 449 do pass as amended.

EXECUTIVE ACTION ON SB 449

Amendments, Discussion, and Votes:

Senator Grosfield made a motion to approve the amendments. The amendments passed unanimously.

Recommendation and Vote:

Senator Swift made the motion to pass SB 449 as amended. The bill passed unanimously.

SENATE FISH AND GAME
EXHIBIT NO. 18
DATE 2/21/91
BILL NO. SB 449

Amendments to Senate Bill No.449
1st Reading Copy

Requested by Committee on Fish and Game

Prepared by Andrea Merrill
February 21, 1991

1. Page 1, line 12.
Insert: "WHEREAS, under the provisions of section 37-47-306, MCA, fees collected by the Board of Outfitters may be used for investigation of license applicants, administrative costs, and enforcement of statutes and rules related to outfitters and guides; and

WHEREAS, wardens of the Department of Fish, Wildlife, and Parks have authority under section 37-47-345, MCA, to enforce violations of Title 37, chapter 47, MCA, relating to outfitters and guides, and this authority should be clearly provided in Title 87, MCA; and

WHEREAS, the Legislature intends that costs to the Department of Fish, Wildlife, and Parks related to enforcement of Title 37, chapter 47, MCA, by wardens of the Department be funded from the fees that are collected by the Board of Outfitters and transferred to the Department through memorandums of understanding or other agreements."

SENATE STANDING COMMITTEE REPORT

February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 449 (first reading copy -- white), respectfully report that Senate Bill No. 449 be amended and as so amended do pass:

1. Page 1, line 12.

Insert: "WHEREAS, under the provisions of section 37-47-306, MCA, fees collected by the Board of Outfitters may be used for investigation of license applicants, administrative costs, and enforcement of statutes and rules related to outfitters and guides; and

WHEREAS, wardens of the Department of Fish, Wildlife, and Parks have authority under section 37-47-345, MCA, to enforce violations of Title 37, chapter 47, MCA, relating to outfitters and guides, and this authority should be clearly provided in Title 87, MCA; and

WHEREAS, the Legislature intends that costs to the Department of Fish, Wildlife, and Parks related to enforcement of Title 37, chapter 47, MCA, by wardens of the Department be funded from the fees that are collected by the Board of Outfitters and transferred to the Department through memorandums of understanding or other agreements."

Signed: _____
Bob Williams, Chairman

2-22-91
Amd. Coord.

2-22 12:55
Sec. of Senate

CHAIRMAN--JIM ELLIOTT
NORMAL SCHEDULE==> SITE: ROOM 312-3 DAYS: M,W,F TIME: 3:00 P.M.
SECRETARY-GINGER PUNTENNEY

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
SB0298	3/04	3/15		CONCUR		3/16
YELLOWTAIL JR., BILL			CLARIFY RESIDENCY FOR HUNTING, FISHING, & TRAPPING LICENSING			
SB0362	3/04	3/18		CONCUR AS AMENDED		3/23
GROSFIELD, LORENTS			CREATE PARK RANGERS & RESERVE; CLARIFY ENFORCEMENT POWER OF FWP PERSONNEL			
SB0401	3/04	3/13		CONCUR AS AMENDED		3/16
PIPINICH, BOB			ALLOW FWP TO SEIZE GAME TRANSPORTED BY VEHICLE IN CLOSED AREA; LICENSE LOST			
SB0415	3/04	3/15			TAXATION	
VAUGHN, ELEANOR			STATE PARKS RECREATIONAL VEHICLE FEE FOR RV FACILITIES & SERVICES AT ST PARK			
SB0449	3/04	3/18		CONCUR		3/20
GROSFIELD, LORENTS			PROVIDE THAT GAME WARDENS ENFORCE LAWS REGARDING OUTFITTERS AND GUIDES			
SJ0013	2/18	3/05		CONCUR		3/09
JERGESON, GREG			JOINT RESOLUTION URGING CONGRESS TO AMEND NEZ PERCE NATIONAL HISTORICAL PARK			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN JIM ELLIOTT** on March 18, 1991, at 3:15 p.m.

ROLL CALL

Members Present:

Jim Elliott, Chairman (D)
Beverly Barnhart (D)
Fred "Fritz" Daily (D)
Roger DeBruycker (R)
Orval Ellison (R)
Gary Forrester (D)
Bob Gilbert (R)
Marian Hanson (R)
Vernon Keller (R)
Bea McCarthy (D)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)
Bill Strizich (D)

Members Excused: John Johnson, Vice-Chairman (D)

Staff Present: Doug Sternberg, Legislative Council
Ginger Puntenney, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON SENATE BILL 255

Discussion:

CHAIRMAN ELLIOTT said the sponsor would like this bill tabled.

Motion/Vote: **REP. PHILLIPS MOVED SB 255 BE TABLED.** Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 583 (CONTINUED)

HB 583 was taken from the table March 13.

Motion: **REP. MEASURE MOVED HB 583 DO PASS.**

HEARING ON SENATE BILL 362

Presentation and Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, House District 41, Big Timber, said this bill creates park rangers and a park ranger reserve to enforce laws relating to state parks. He reviewed the bill.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill with submitted amendments. **EXHIBIT 9**

Susan Leonard, Montana Audubon Legislative Fund, supports this bill because there is a need for increased enforcement at state parks.

Opponents' Testimony:

Wayne Hirst, Montana State Parks Foundation, is opposed to this bill because campers, tents, vessels, and vehicles can be searched without a warrant. This is against our constitutional rights.

Questions From Committee Members:

REP. ELLISON asked about the funding source. **Mr. Cool** said it has been approved in the Governor's budget, the Appropriations Committee, and collection of park fees. The revenue source is secure. **REP. FORRESTER** asked what grade and step the park rangers would be. **Jeff Tieberry** said Grade 11.

Closing by Sponsor:

SEN GROSFIELD urged support of SB 362.

HEARING ON SENATE BILL 449

Presentation and Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, House District 41, Big Timber, said this bill would clarify that wardens of FWP have the authority to enforce statutes and rules relating to the regulation of outfitters and guides in the state. The Legislature intends that costs to FWP related to enforcement by wardens of the department be funded from the fees that are collected by the Board of Outfitters and transferred to the department.

Proponents' Testimony: none

Opponents' Testimony: none

Closing by Sponsor: **SEN. GROSFIELD** urged support of SB 449.

EXECUTIVE ACTION ON SENATE BILL 449

Motion/Vote: REP. SCOTT MOVED SB 449 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 362

Motion: REP. DAILY MOVED SB 362 BE CONCURRED IN.

Discussion:

REP. MEASURE said enforcement powers are expanded from present law. There are legal problems with this type of bill. The department already has game wardens who are trained in law enforcement. Why train more people to manage these parks and to collect fees? REP. FORRESTER said "search without a warrant" is an infringement on his rights. REP. DAILY said strike "without a warrant" and insert "with a warrant" throughout the bill. REP. MEASURE said that would help. Mr. Sternberg said those changes could be made.

Motion: REP. DAILY moved to amend SB 362.

Discussion:

REP. FORRESTER asked if park rangers will have the power to carry a gun. Mr. Cool said yes, but they will not be carrying guns. If there is a dangerous situation, local law enforcement will be called. REP. FORRESTER asked what probable cause would be to search a vehicle or camper. Mr. Lane said if there were reports of problems. REP. MEASURE asked if this legislation is necessary just for the collection of fees. If a person will not show his park entrance permit, then the person is asked to leave. The only violation is failure to buy a permit. This makes no sense.

Motion/Vote: REP. MEASURE MADE A SUBSTITUTE MOTION THAT SB 362 BE TABLED. Motion carried 10 - 5. EXHIBIT 10

EXECUTIVE ACTION ON SENATE BILL 219

Motion: REP. DEBRUYCKER MOVED SB 219 BE NOT CONCURRED IN.

Discussion:

REP. DEBRUYCKER said sportsmen will lose land to hunt on if more game preserves are opened and sit side by side. Land needs to be kept open to hunting.

Vote: Motion carried 14 - 1.

Motion/Vote: CHAIRMAN ELLIOTT MADE A SUBSTITUTE MOTION THAT SB 219 BE TABLED. Motion carried 14 - 1.

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL **DATE** 3-18-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN			✓
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER			
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

CS05FISH&G.MAN

2.10
3-20-91
TDB

HOUSE STANDING COMMITTEE REPORT

March 19, 1991

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 449 (third reading copy -- blue) be concurred in .

Signed: _____
Jim Elliott, Chairman

Carried by: Rep. Zagel